ducing certain therapeutic effects claimed on the bottle label and in a circular shipped with the said article.

On September 29, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Froberg Remedy Co., a corporation, and John W. Froberg, Valparaiso, Ind., alleging shipment by said defendants, under the name of Dr. W. A. Bozarth, in violation of the Food and Drugs Act, as amended, on or about February 16, 1931, and March 24, 1931, from the State of Indiana into the States of Wisconsin and Illinois, respectively, of quantities of the said Cow-Calf compound, which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of phenol (2.53 grams per 100 cubic centimeters), a trace of chlorinated lime, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the said article, appearing on the bottle labels and in accompanying circulars, falsely and fraudulently represented that it was effective as a treatment for the prevention of abortion; effective as a treatment, remedy, and cure for abortion; effective as a treatment for the prevention of contagious abortion; effective to stop every case of abortion; and effective to insure the birth of healthy calves.

On November 10, 1932, on motion of the Government, the information was dismissed as to the Froberg Remedy Co. A plea of guilty was entered by defendant, John W. Froberg, and the court imposed a fine of $200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20354. Misbranding of Ergot-Apiol. U.S. v. 34 Packages of Ergot-Apiol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29021. Sample no. 20453-A.)

Examination of the drug product, Ergot-Apiol, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 10, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 packages of the said Ergot-Apiol, remaining in the original unbroken packages at Bayonne, N.J., alleging that on or about September 3, 1932, the Chermak Drug Co., of Bayonne, N.J., had transported the article from the premises of the American Pharmaceutical Co., Inc., of New York, N.Y., to Bayonne, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plants, including a nonvolatile oil such as apiol, and a volatile oil such as savin oil. It contained no ergot alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the tin container and carton, and in a circular shipped with the article, regarding its curative or therapeutic effects, were false and fraudulent: (Tin container) "For Amenorrhea, Dysmenorrhea, and Menstrual Disorders"; (carton) "For Amenorrhea, Dysmenorrhea, and Menstrual Disorders"; (circular) "For Amenorrhea, Dysmenorrhea, and Menstrual Disorders. * * * For The Treatment of Menstrual Disorders Relieves Pain * * * for use in the treatment of Menstrual disorders. * * * Amenorrhea—When menstrual flow is absent or scanty as a result of shock, exposure, or nervous strain, 1 capsule should be given 3 times a day for 3 days, then increased to 2 capsules 3 times a day until flow has been established, when it is reduced to one capsule twice a day. Dysmenorrhea—In cases where the complaint is chronic, Ergot-Apiol should be taken a few days in advance of the period and continued until the flow has ceased. In most cases one capsule 4 times a day is sufficient, but when pain is unusually severe 2 capsules may be given 4 times a day. Monorrhagia—When the flow is excessive, resulting in weakness and lack of energy, one capsule may be administered 4 times a day. Menostasis—To re-establish the flow 2 tablets may be administered 3 or 4 times a day, in conjunction with frequent sitz baths if preferred. Menopause—* * * an aid to easing the disturbances attending final cessation of the menstrual functions."

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20355. Adulteration and misbranding of ether. U.S. v. Nine 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29012. Sample no. 15163-A.)

This action involved a quantity of ether, samples of which were found to contain peroxide, a decomposition product.

On October 10, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine 5-pound cans of ether, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 6, 1932, by the Mallinckrodt Chemical Works, from St. Louis, Mo., to Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether, U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U.S.P.", was false and misleading.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20356. Misbranding of Painallay. U.S. v. 36 Bottles, et al., of Painallay. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 29040. Sample nos. 6230-A, 6231-A.)

Examination of the drug preparation Painallay disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it was not a phenol (carbolic acid) preparation, and that it contained no beechwood creosote, whereas it contained cresol, which is chemically related to carbolic acid and beechwood creosote.

On October 14, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles, 50-cent size, and 10 bottles, 1-dollar size, of the said Painallay, at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by the Painallay Co., from Kansas City, Mo., to Wichita, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of cresol (1 percent), small proportions of glycerin and saccharin, and water (98 percent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle labels were false and misleading, since the article contained a phenolic body, namely, cresol, which is chemically related to carbolic acid and beechwood creosote: "Painallay is not a Phenol (Carbolic Acid) preparation. Neither does it contain Beechwood Creosote and should not be mistaken as a product containing these ingredients." Misbranding was alleged for the further reason that the following statements appearing on the bottle labels were false and fraudulent: "Painallay a preparation beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic. * * * (healing) and relieves pain. As a Daily Mouth Wash and Gargle it promotes a healthy condition to the tissues by destroying bacteria. Painallay * * * For Mouth and Throat A Scientific * * * Anodyne, Relieves Pain and Heals Beneficial in the treatment of * * * Pyorrhea, Trench Mouth or Vincent's, Tonsilitis, etc. * * * Directions For all mouth and throat infections it is always advisable to consult your dentist or physician without delay. Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from